

LEGISLATIVE COUNCIL.

No. S. 19.—The following Bills were read a first time at a meeting of the Council held on the 16th January, 1922 :—

A BILL

INTITLED

An Ordinance to amend the Crown Lands Resumption Ordinance, 1921.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title and construction.

Ordinances Nos. 10 of 1900 and 14 of 1921.

1. This Ordinance may be cited as the Crown Lands Resumption Amendment Ordinance, 1922, and shall be read and construed as one with the Crown Lands Resumption Ordinance, 1900, hereinafter called the principal Ordinance, and with the Crown Lands Resumption Ordinance, 1921, and the said Ordinances and this Ordinance may be cited together as the Crown Lands Resumption Ordinances, 1900 to 1922.

Repeal of Ordinance No. 14 of 1921, s. 2, and substitution of new section.

2. Section 2 of the Crown Lands Resumption Ordinance, 1921, is repealed and the following section is substituted therefor :—

Additional rules for determining compensation.

9 & 10 Geo. 5, c. 57; s. 2 (1), (2).

2. In the determination of the compensation to be paid under the principal Ordinance :—

- (a.) No allowance shall be made on account of the resumption being compulsory :
- (b.) No compensation shall be given in respect of any use of the land which is not in accordance with the terms of the Crown lease under which the land is held :
- (c.) No compensation shall be given in respect of any expectancy or probability of the grant or renewal or continuance, by the Crown or by any person, of any licence, permission, lease or permit whatsoever, provided that this paragraph shall not apply to any case in which the grant or renewal or continuance of any licence, permission, lease or permit could have been enforced as of right if the land in question had not been resumed : and
- (d.) Subject to the provisions of section 11 of the principal Ordinance, and to the provisions of paragraphs (b.) and (c.) of this section, the value of the land resumed shall be taken to be the amount which the land if sold in the open market might be expected to realise.

Application of s. 2.

3. Section 2 of this Ordinance shall not apply to any case in which the notice under section 4 of the principal Ordinance shall have been published in the Gazette before the commencement of this Ordinance, or to any case in which the notice under section 5 of the principal Ordinance shall have been given to the owner before the commencement of this Ordinance.

*Objects and Reasons.*

1. The object of this Ordinance is to make it clear that in resumptions under the Crown Lands Resumptions Ordinances no compensation is to be awarded in respect of mere expectancies or probabilities. For example, the owner of agricultural land held under a Crown lease which prohibits the erection of buildings except with the licence of the Crown is not to receive any compensation with respect to the possibility that such a licence might at some time have been obtained if the land had not been resumed. This principle is not new as it is in force under the Lands Clauses Consolidation Acts in England, and it seems only reasonable that the community should not have to pay for a mere possibility of this kind which the claimant could never have enforced.

2. The reason for the amendment of Ordinance No. 14 of 1921 on this point is that that Ordinance laid down as a general rule that the basis of compensation should be the market value of the land, and it appears to be the case that speculators, in the case of agricultural land for instance, are often prepared to pay more than the value of the land for agricultural purposes in the hope that they may be allowed to convert it into building land. The claimant in such a case would no doubt argue that the speculator's price formed or was evidence of a market price above the real value of the land as agricultural land. This position is all the more likely to arise in a district which is about to be developed by the Government for building purposes, and if the above argument were to prevail the result would be that the community would have to pay a very much increased price for the land, although this increased price was based solely on the mere possibility of conversion which the Government have absolute discretion to refuse. The effect would be to make development more expensive and to raise the rents on the developed property, and it might even have the effect of checking development altogether in a particular district.

3. The intention of this bill, therefore, is to provide that the rule of taking the market price as the basis of compensation is to be subject to the further rule that no compensation is to be given in respect of such mere probabilities.

4. For convenience, the whole of section 2 of Ordinance No. 14 of 1921 is to be repealed and re-enacted but practically the only part of the substituted section which is new is paragraph (c).

J. H. KEMP,  
*Attorney General.*

13th December, 1921.

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A BILL

INTITLED

An Ordinance to amend further the Volunteer Ordinance, 1920.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Volunteer Amendment Ordinance, 1922, and shall be read and construed as one with the Volunteer Ordinance, 1920, and with the Volunteer Ordinance, 1921, and the said Ordinances and this Ordinance may be cited together as the Volunteer Ordinances, 1920 to 1922.

Short title  
and  
construction.  
Ordinances  
Nos. 2 of  
1920 and 2  
of 1921.

Failure to become efficient.  
Ordinance No. 2 of 1920.

2.—(1.) Without prejudice to the provisions of section 16 of the Volunteer Ordinance, 1920, every member of a volunteer corps who in the opinion of the administrative commandant fails to make himself efficient in any year shall forfeit a sum of twenty-five dollars, which shall be paid into the general fund of the corps.

(2.) For the purpose of this section the year shall be deemed to commence on the 16th day of April.

*Objects and Reasons.*

The object of this bill is to secure a greater percentage of efficiency in the Hongkong Volunteer Defence Corps. At present there is no penalty provided for inefficiency, and some members of the corps have failed to carry out the minimum of training which they undertook to do on enrolment.

J. H. KEMP,  
*Attorney General.*

12th December, 1921.

A BILL

INTITULED

An Ordinance to modify certain provisions of the Treaty of Peace Order, 1919, the Treaty of Peace (Austria) Order, 1920, the Treaty of Peace (Bulgaria) Order, 1920, and the Treaty of Peace (Hungary) Order, 1921, as amended, for the purpose of adapting the provisions of the said Orders to the circumstances of the Colony of Hongkong.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title and construction.  
Ordinances Nos. 3 & 15 of 1920, and 7 of 1921.  
Ordinance No. 16 of 1920.  
Ordinance No. 17 of 1920.  
Ordinance No. 29 of 1921.

1. This Ordinance may be cited as the Treaties of Peace Ordinance, 1922, and shall be read and construed as one with the Treaty of Peace (Germany) Order Ordinances, 1920 and 1921, and with the Treaty of Peace (Austria) Order, 1920, Ordinance, 1920, and with the Treaty of Peace (Bulgaria) Order, 1920, Ordinance, 1920, and with the Treaty of Peace (Hungary) Order, 1921, Ordinance, 1921, and the said Ordinances and this Ordinance may be cited together as the Treaties of Peace Ordinances, 1920 to 1922.

2. For the purpose of adapting the provisions of the Treaty of Peace Order, 1919, the Treaty of Peace (Austria) Order, 1920, the Treaty of Peace (Bulgaria) Order, 1920, and the Treaty of Peace (Hungary) Order, 1921, as amended, to the circumstances of the Colony of Hongkong, the said Orders, as amended, shall be read and construed as if the substitutions set forth in the schedule hereto had been made in the said Orders, as amended.

SCHEDULE.

Substitutions to be made in reading and construing the Treaty of Peace Order, 1919, the Treaty of Peace (Austria) Order, 1920, the Treaty of Peace (Bulgaria) Order, 1920, and the Treaty of Peace (Hungary) Order, 1921, as amended, for the purpose of adapting the provisions of the said Orders, as amended, to the circumstances of the Colony of Hongkong.

PART I.

TREATY OF PEACE ORDER, 1919, AS AMENDED.

Serial No.	Article of Order.	Words of Order.	Substituted Words.
1	1 (xvii) (aa).	The Lord Chancellor or, in Scotland, the Court of Session may make rules or act of sederunt	The Supreme Court or a judge thereof may make rules
2	1 (xvii) (aa).	any such rules or act of sederunt	any such rules

PART II.

TREATY OF PEACE (AUSTRIA) ORDER, 1920, AS AMENDED.

Serial No.	Article of Order.	Words of Order.	Substituted Words.
1	1 (ix) Proviso.	Treasury,	Governor,
2	1 (x) (g).	The Lord Chancellor or, in Scotland, the Court of Session may make rules or act of sederunt	The Supreme Court or a judge thereof may make rules
3	1 (x) (g).	any such rules or act of sederunt.	any such rules
4	1 (xv).	as the Treasury may determine.	as the Governor may determine.

PART III.

TREATY OF PEACE (BULGARIA) ORDER, 1920, AS AMENDED.

Serial No.	Article of Order.	Words of Order.	Substituted Words.
1	1 (i) Proviso.	Treasury,	Governor,
2	1 (ii) (h).	The Lord Chancellor or, in Scotland, the Court of Session may make rules or act of sederunt	The Supreme Court or a judge thereof may make rules
3	1 (ii) (h).	any such rules or act of sederunt	any such rules

PART IV.

TREATY OF PEACE (HUNGARY) ORDER, 1921, AS AMENDED.

Serial No.	Article of Order.	Words of Order.	Substituted Words.
1	1 (x) (i).	The Lord Chancellor or, in Scotland, the Court of Session may make rules or act of sederunt	The Supreme Court or a judge thereof may make rules
2	1 (x) (i).	any such rules or act of sederunt	any such rules

*Objects and Reasons.*

2 The object of this ~~bill~~<sup>Ordinance</sup> is to adapt certain provisions of the Treaty of Peace (Austria) (No. 2) Amendment Order, 1921, the Treaty of Peace (Bulgaria) (No. 2) Amendment Order, 1921, and the Treaties of Peace Orders (Amendment) Order, 1921, to the circumstances of this Colony. [These Orders were published as Government Notifications 326, 327 and 552 in the *Gazettes* of the 29th July and the 23rd December, 1921.] The method adopted in the ~~bill~~<sup>Ordinance</sup> is the same as that of previous Treaty of Peace Order Ordinances.

3 The opportunity has also been taken in ~~Serial No. 4~~<sup>it is</sup> of Part II of the schedule to remedy an omission from the ~~Schedule~~<sup>Schedule</sup> to Ordinance No. 16 of 1920.

3. The words "as amended" in the title of the bill, and in clause 2 and the schedule will be clear from a reference to the following table which shows the dates of publication in the *Gazette* of the various Orders and amending Orders, and the Ordinance by which each was modified, where necessary.

GERMANY.

Order.	Date of publication.	Modifying Ordinance.
Treaty of Peace Order, 1919.	9th January, 1920.	Ordinance No. 3 of 1920.
Treaty of Peace (Amendment) Order, 1920.	29th October, 1920.	Ordinance No. 15 of 1920.
Treaty of Peace (Amendment) (No. 2) Order, 1920.	1st April, 1921.	Ordinance No. 7 of 1921.
Treaty of Peace (Amendment) Order, 1921.	15th April, 1921.	—
Treaty of Peace (Amendment) (No. 2) Order, 1921.	29th July, 1921.	—
Treaty of Peace Orders, (Amendment) Order, 1921.	23rd December, 1921.	(The present bill).

AUSTRIA.

Order.	Date of publication.	Modifying Ordinance.
Treaty of Peace (Austria) Order, 1920.	12th. November, 1920.	Ordinance No. 16 of 1920.
Treaty of Peace (Austria) (Amendment) Order, 1921.	15th April, 1921.	—
Treaty of Peace (Austria) (No. 2) Amendment Order, 1921.	29th July, 1921.	(The present bill).
Treaties of Peace Orders (Amendment) Order, 1921.	23rd December, 1921.	(The present bill).

BULGARIA.

Order.	Date of publication.	Modifying Ordinance.
Treaty of Peace (Bulgaria) Order, 1920.	5th November, 1920.	Ordinance No. 17 of 1920.
Treaty of Peace (Bulgaria) (Amendment) Order, 1921.	15th April, 1921.	—
Treaty of Peace (Bulgaria) (No. 2) Amendment Order, 1921.	29th July, 1921.	(The present bill).
Treaty of Peace Orders (Amendment) Order, 1921.	23rd December, 1921.	(The present bill).

HUNGARY.

Order.	Date of publication.	Modifying Ordinance.
Treaty of Peace (Hungary) Order, 1921.	7th October, 1921.	Ordinance No. 29 of 1921.
Treaties of Peace Orders (Amendment) Order, 1921.	23rd December, 1921.	(The present bill).

J. H. KEMP,  
*Attorney General.*

16th December, 1921.

A BILL

INTITULED

An Ordinance to amend the Maintenance Orders (Facilities for Enforcement) Ordinance, 1921.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Maintenance Orders (Facilities for Enforcement) Amendment Ordinance, 1922, and shall be read and construed as one with the Maintenance Orders (Facilities for Enforcement) Ordinance, 1921, and the said Ordinance and this Ordinance may be cited together as the Maintenance Orders (Facilities for Enforcement) Ordinances, 1921 and 1922. Short title and construction. Ordinance No. 9 of 1921.

2. Where the Governor is satisfied that reciprocal provisions have been made by the legislature of any British possession or any territory under His Majesty's protection for the enforcement within such possession or territory of maintenance orders made by courts in Hongkong, the Governor may by Proclamation extend this Ordinance to maintenance orders made by courts within such possession or territory and thereupon this Ordinance shall apply to such maintenance orders as if they had been made in England or Ireland. Extension of Ordinance to orders made by courts in other British possessions, etc. 10 & 11 Geo. 5. c. 33, s. 12.

*Objects and Reasons.*

The object of this bill is to amend the Maintenance Orders (Facilities for Enforcement) Ordinance, 1921, so as to provide for its extension to maintenance orders made in another Colony or Protectorate or Dominion, which may hereafter be willing to enter into reciprocal relations with this Colony. In view of the numerous British-administered territories in the Far East, it seems desirable to establish such reciprocity. The bill is introduced on instructions from the Secretary of State for the Colonies.

J. H. KEMP,  
*Attorney General.*

14th December, 1921.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 20.—Statement of Sanitary Measures adopted by Hongkong.

Disease.	Port or Place.	Restrictions in Force.	Authority.
Small-pox.	Shanghai.	Medical examination ; quarantine at the discretion of the Health Officer.	Notification No. 512 of 9th December, 1921.
Cholera.	Manila.	Do.	Notification No. 16 of 13th January, 1922.